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THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

W.No.23

AMARAVATI, THURSDAY, JUNE 9, 2022

G.420

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**SUPERINTENDENT OF POLICE
KURNOOL DISTRICT**

C.No. A6 / OEPR-18002 / 2021.

Date: 06-12-2021.

MEMO

KURNOOL DISTRICT - ORAL ENQUIRY AGAINST SRI S.MADAN MOHAN, PC-3168 OF KURNOOL TRAFFIC PS, KURNOOL - CHARGES HELD PROVED - SENDING OF COPIES OF INQUIRY REPORT - FURTHER REPRESENTATION - CALLED FOR.

- Ref:**
1. Charge Memo C.No.A6/PR-18002/2021, Dated:03-03-2021.
 2. This office Progs. C.No.A6/PR-18002/2021,Dated:14-06-2021.
 3. Enquiry Report of the DSP, DTC, Kurnool, dtd.30.11.2021.

The DSP, DTC, Kurnool conducted oral enquiry against the charged officer Sri S.Madan Mohan, PC-3168 of Kurnool Traffic PS, Kurnool as ex-parte since the charged officer failed to attend the O.E even though he has given all reasonable opportunities to prove his innocence under Rule 20(6) of APCS(CC&A) Rules, 1991 and submitted enquiry report holding the charges as “**proved**” vide reference 3rd cited. A copy of the enquiry report is sent herewith.

On going through the content of the report and evidence appreciated by the Inquiry Officer based on which he came to the conclusion that charge against him is proved. It appears that he has committed the offence mentioned in article of charge.

Sri S.Madan Mohan, PC-3168 of Kurnool Traffic PS, Kurnool is hereby directed to submit his further representation within 15 days from the date of receipt of this memo, failing which it will be construed that he has no further representation to submit and the further action will be taken on the merits of the case.

Acknowledge the receipt of the memo along with the enquiry report immediately.

CH. SUDHEER KUMAR REDDY,
Superintendent of Police,
Kurnool.

To

Sri S.Madan Mohan, PC-3168 of Kurnool Traffic PS, Kurnool in (duplicate) through the DSP, Kurnool Traffic PS, Kurnool for causing service and to return the served copy with dated acknowledgement to DPO, Kurnool immediately.

C. No. C2/OEPR.No.18002/2021,

Dist Police Trg Centre,
Dy. Supdt. of Police,
Kurnool, Dt: 30.11.2021.

Inquiry Report on the Departmental Enquiry held against Sri S. Madan Mohan, PC-3168 of Kurnool Traffic PS.

Submitted by R. Ramana,
Enquiry Officer and
Dy. Supdt. Of Police, DTC,
Kurnool.
Date: 30-11-2021.

Lr.No.38 / DTC-KNL / 2021,

Lr. No. /DTC-KNL/2021, Date: 30. .2021.

1. Under Sub Rule (2) of Rule 20 of A.P. Civil Services (C.C. & A) Rules 1991, the Dy. Supdt. Of Police, DTC, Kurnool has been appointed as Enquiry Officer by the Superintendent of Police, Kurnool vide proceedings in C. No. A6/OEPR-18002/2021, Dt 14-06-2021 to enquire into the charges framed against Sri S. Madan Mohan, PC-3168 of Kurnool Traffic PS. Total enquiry conducted by me basing on the oral and documentary evidence adduced and I have prepared Inquiry report as under:
2. The Inspector of Police, Kurnool III town PS was acted as Presenting Officer in terms of Sub Rule (5) of the said Rules.
3. The Charged Officer Sri S. Madan Mohan, PC-3168 of Kurnool Traffic PS did not participate in the enquiry from the beginning to end and remained absent when instructed to attend OE. Hence, the Oral Enquiry was conducted "exparte". He was not assessed by anybody as his defense assistant.

4. Article of Charge framed against the Charged Officer Sri S.Madan Mohan, PC 3168 of Kurnool Traffic PS substance of imputation of misconduct or misbehavior, "Exhibited gross misconduct, sheer negligence and lack of devotion to duty by absenting from duty continuously for more than 21 days from 8-03-2021 to 28-03-2021 and committed the offence of desertion and thereby violated Rule 03 of APCS (conduct) Rules, 1964".

Basis of the Charge:

Sri S. Madan Mohan, PC-3168 of Kurnool Traffic PS absented from duty without leave or permission for more than 21 days with effect from 08-03-2020 and thereby he committed the offence of desertion. He was declared as deserted vide D.O No. 398/2020 (Rc. No.A3/42/2020 Date: 5-5-2020) of the Superintendent of Police, Kurnool as per order No.184 of APPM. Thus, he has absented from duties un-authorisedly without leave or permission from 08-03-2020 onwards.

Rule 3 of APCS (Conduct) Rules 1964:

- 1) Every Government Employee shall be devoted to his duty and shall maintain absolute integrity, discipline, impartiality and a sense of propriety.
- 2) No Government employee shall behave in a manner which is unbecoming of such employee or derogatory to the prestige of Government.
- 3) No Government employee shall act in a manner which will place his official position under any kind of embarrassment.

By the above mentioned acts, Sri S. Madan Mohan, PC-3168 of Kurnool Traffic PS has exhibited gross misconduct, sheer negligence, dereliction and lack of devotion to duty by absenting from duty without leave or permission duly behaving in a manner, quite unbecoming of a Govt. servant and thereby violated the Rule 3 of APCS (Conduct) Rules, 1964.

ANNEXURE-II

List of documents by which the articles of charge framed against Sri S. Madan Mohan, PC-3168 of Kurnool Traffic PS:

- 01) Report of the DSP, Kurnool Traffic P.S. Dated 30-3-2020
- 02) Memo No.15/GL/10-PS/2019, Dtd:24-3-2020 of the SHO, Kurnool Traffic PS.,
- 03) Statement of Sri Mahaboob Basha, DSP, Traffic P.S, Kurnool. Dt.: 8-11-2021
- 04) Statement of Sri Anuhash, Junior Assistant, now working at DIG office, Kurnool Range, Kurnool Dated: 8-11-2020,

If found necessary some more documents will be filed on behalf of prosecution.

ANNEXURE-III**List of witnesses by whom the articles of charge framed against Sri S. Madan Mohan, PC 3168 of Kurnool Traffic PS.**

- 01) Sri D. Mahaboob Basha, DSP, Traffic PS, Kurnool District,
- 02) Sri S. Anuhash, Jr. Asst., DPO, now working at DIG office, Kurnool District.
If it is found necessary, some more witnesses will be examined on behalf of prosecution.

5. Case of the disciplinary authority:

To substantiate the allegations against the Charged Officer, 2 witnesses have been proposed to be examined and examined both witnesses and their depositions were recorded. 5 documents under exhibits 1 to 4 were marked by the prosecution witnesses during enquiry.

PW.1) Statement of Sri D. Mahaboob Basha, Dy. Supdt. of Police, Kurnool Traffic PS, Kurnool District: during enquiry he deposed that, he is working as Dy. Superintendent of Police, Kurnool Traffic P.S since **18-9-2019** as well as SHO to Traffic P.S. Sri Madan Mohan, PC 3168 of Kurnool Traffic P.S un-authorisedly absented for his duties in Kurnool Traffic P.S from 8-3-2020 without taking leave or prior permission from the superior officers. In this regard, he had sent a report to the Superintendent of Police, Kurnool after completion of his 21 days un-authorized absent period i.e., from 8-3-2020 to 28-3-2020 for taking necessary action.

PW.2) Statement of Sri Shaik Anuhas s/o late S. Abdul Rawoof, Age 32 years, formerly A6 Jr Asst, DPO, Kurnool, now working as Jr Asst, DIG of Kurnool Range, Kurnool: He deposed during the enquiry that, he worked as Junior Assistant in the District Police Office, Kurnool since 18.11.2019 to 27.9.2021. He received report Dated 30-3-2020 from Sri S. Mahaboob Basha, DSP, Traffic Police station in which it was mentioned that Sri Madan Mohan, PC 3168 of Kurnool Traffic PS found absent for duties from 8-3-2020 to 28-3-2020 and requested to declare him as deserter. He put up deserter order to Superintendent of Police on 8.4.2020. The Superintendent of Police, Kurnool has been issued deserter orders vide Rc. No. A3/42/2020 (D.O No. 398/2020) Dated 5-5-2020 as per order No. 184 of APPM Part-I, Volume-I. Further as per the orders of superior officers, I transfer the file to A6-Assistant for taking further action against Sri Madan Mohan, PC 3168. Later, he learnt that Sir Madan Mohan PC 3168 was acknowledged the Charge Memo on 20.3.2021.

During the course of Oral enquiry, two witnesses were examined on behalf of the prosecution side, the charged officer not inclined to cross examine the witnesses. Where as the Charged Officer did not participate in OE, thereby deliberately found absent for OE.

DEFENSE WITNESSES: Nil

6. Case of the Defendant:

The charged officer Sri S. Madan Mohan, PC 3168 of Kurnool Traffic PS had acknowledged receipt of the Charge Memo in C.No. A6/PR-18002/2021 Date: 3.3.2021 on 20-3-2021 the Charged officer did not submit his explanation to the charge memo. He did not participate in the OE from the begning to end and found absent.

8. Analysis and Assessment of Evidence:

Now it has to be decided whether the Charge against Sri S. Madan Mohan, PC 3168 of Kurnool Traffic PS is proved or not? The charge against him is that, he absented for duty without leave, prior permission for more than 21 days with effect from 8-3-2020 and thereby he committed the offence of desertion. He was declared as deserter vide office D.O. No. 398/2020 (Rc.No. A3/42/2020 Date: 5.5.2020) as per order No.184 of APPM. Thus, he has absented from duties unauthorisedly without leave or permission from 8.03.2020 onwards. Two PWs were proposed to be examined in the Oral Enquiry and examined both the witnesses. PW1) Sri D. Mahaboob Basha, Dy. Supdt. of Police, Kurnool Traffic.PS, Kurnool District: and PW2) Sri Shaik Anuhas s/o late S. Abdul Rawoof, Age 32 years, formerly A6 Jr Asst, DPO, Kurnool, now working as Jr Asst, DIG of Kurnool Range, Kurnool were supported the prosecution. The evidence of PW1 proves that, the charged officer absented for duty continuously more than 21 days without any valid leave and the evidence of PW.2 speaks about declaring the charged officer as deserter for absenting for duty continuously more than 21 days. In-spite of repeated memos issued instructing him to attend OE on 23-7-2021, 12-8-2021, 20-9-2021, 6-11-2021. But the Charged officer miserably failed to attend OE on the said dates, even-though he has given all reasonable opportunities at all levels to prove his innocence. Hence, expatriate OE was conducted. Hence, I have no option except to conduct exparte OE. Accordingly exparte OE was conducted basing on the documentary evidence as well as depositions of PWs 1 and 2.

It is relevant to mention that Charged officer found absent for duties without leaves or permission right from 8-3-2020 till now i.e., more than one and half years and did not report for duty till date.

Findings: In view of the oral evidence and documentary evidence adduced before me and in the circumstances narrated above, I hold the charge against the Charged Officer Sri S. Madan Mohan, PC 3168 of Kurnool Traffic PS as "**PROVED**" beyond all reasonable doubts.

R. RAMANA,
*Enquiry Officer and
Deputy Superintendent of Police,
DTC, Kurnool.*

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